

Nationwide Permit 14 Pre-construction Notification

CONTENTS

- 1) Name and Address of Applicant
- 2) Site Location
- 3) Project Purpose, Impact, Avoidance and Minimization
- 4) Mitigation
- 5) Clean Water Act Section 401 and 402
- 6) Endangered Species Act
- 7) National Historic Preservation Act

Appendix A: Cross Section Drawings

Appendix B: Agency Correspondence

1) Name and Address of Applicant

Nally & Hamilton Enterprises, Inc., (606) 878-1500, P.O. Box 2323, London, KY 40741

2) Site Location

Pathfork; Gap Hollow; Harlan County, KY

3) Project Purpose, Impact, Avoidance and Minimization

The proposed project will consist of road crossings to facilitate coal haulage under the Kentucky Department for Natural Resources (KDNR) permit #848-7033 AM-1. The jurisdictional determination was previously completed under LRN 2009-00742. **Table 1** summarizes 848-7033 AM-1 stream crossings locations, culvert size, estimated amount and class of aquatic resources. **Figure 1** illustrates the location of all stream crossings. Cross section drawings of stream crossings, SC-1, SC-2, SC-5 & SC-8 are presented as **Appendix A**. Cross sections were not surveyed at stream crossings SC-3, SC-4, SC-6 & SC-7, due to the lack of defined stream bed and bank features.

Minimization of impacts would occur through the KDNR a permit which contains Best Management Practices (BMPs). These include but are not limited to: utilization of silt fences, straw bales, check dams, limiting vegetation removal and bank shaping to the extent practicable, mulching and seeding, and the prohibition of the use or storage of toxic or hazardous materials within the construction areas. Construction activities shall be performed during low flow conditions and all disturbed areas shall be seeded and mulched to minimize erosion. Appropriate bank protection measures shall be installed in channel or on barren areas requiring erosion control which include but are not limited to native grasses and forbs, vegetation, and other acceptable clean non-contaminated materials.

Table 1. Summary of 848-7033 AM-1 Stream Crossing Locations

Stream Crossing #	WoUS Name	Culvert #	Culvert Size	Latitude	Longitude	Estimated amount of aquatic resource	Class of aquatic resource
SC-1	Path Fork	C-6	60"	36.7159106	-83.4567219	200'	Perennial
SC-2	UT to Path Fork	C-8	60"	36.7168385	-83.4560530	200'	Intermittent
SC-3	UT to Path Fork	C-11	24"	36.7116520	-83.4699272	200'	Ephemeral
SC-4	UT to Path Fork	C-12	36"	36.7116003	-83.4714606	200'	Ephemeral
SC-5	UT to Path Fork	C-13	48"	36.7105140	-83.4732495	200'	Intermittent
SC-6	UT to Path Fork	C-14	21"	36.7094290	-83.4713910	100'	Ephemeral
SC-7	UT to Path Fork	C-15	18"	36.7087040	-83.4716060	100'	Ephemeral
SC-8	UT to Path Fork	C-16	36"	36.7084761	-83.4751805	100'	Intermittent



**BIOLOGICAL SYSTEMS
CONSULTANTS, INC.**

Stream Crossing (SC) #	Culvert #	Culvert Size	Latitude	Longitude	Estimated amount of aquatic resource	Class of aquatic resource
SC-1	C-6	60"	36.7159106	-83.4567219	200'	Perennial
SC-2	C-8	60"	36.7168385	-83.456053	200'	Intermittent
SC-3	C-11	24"	36.711652	-83.4699272	200'	Ephemeral
SC-4	C-12	36"	36.7116003	-83.4714606	200'	Ephemeral
SC-5	C-13	48"	36.710514	-83.4732495	200'	Intermittent
SC-6	C-14	21"	36.709429	-83.471391	200'	Ephemeral
SC-7	C-15	18"	36.708704	-83.471606	100'	Ephemeral
SC-8	C-16	36"	36.7084761	-83.4751805	100'	Intermittent



Legend

Stream Crossing

848-7033 Permit Boundary

DRAWING NAME: Location Map
CLIENT: Nally & Hamilton Enterprises, Inc.
USACE#: LRN-2010-00092
KDNR#: 848-7033AM1
BSC#: 21025
DATE: 1/15/2013
DRAWN BY: BES **CHECKED BY:** SLR

Excerpt from Varilla & Ewing, KY
7.5' USGS Topographic Quadrangle
NAD 1983 StatePlane Kentucky FIPS 1600 (feet)

Nally & Hamilton Enterprises, Inc.
KDNR #848-7033 AM-1 / LRN 2010-00092
NWP14 Pre-Construction Notification

4) Mitigation

Mitigation being proposed includes the KDNR permit BMPs, Section 402 KPDES permit, and Section 401 Water Quality Certification (WQC).

5) Clean Water Act Section 401 and 402

An individual 401 water quality certification is pending. On September 11, 2012, the Kentucky Division of Water issued KPDES permit # KYG046779 for this project (**Appendix B**).

6) Endangered Species Act

No threatened or endangered species are anticipated to be impacted by the proposed project. The following correspondence regarding Section 7 clearance is presented in **Appendix B**:

Kentucky Division of Mine Permits (KDMP) letter (11-18-10)

7) National Historic Preservation Act

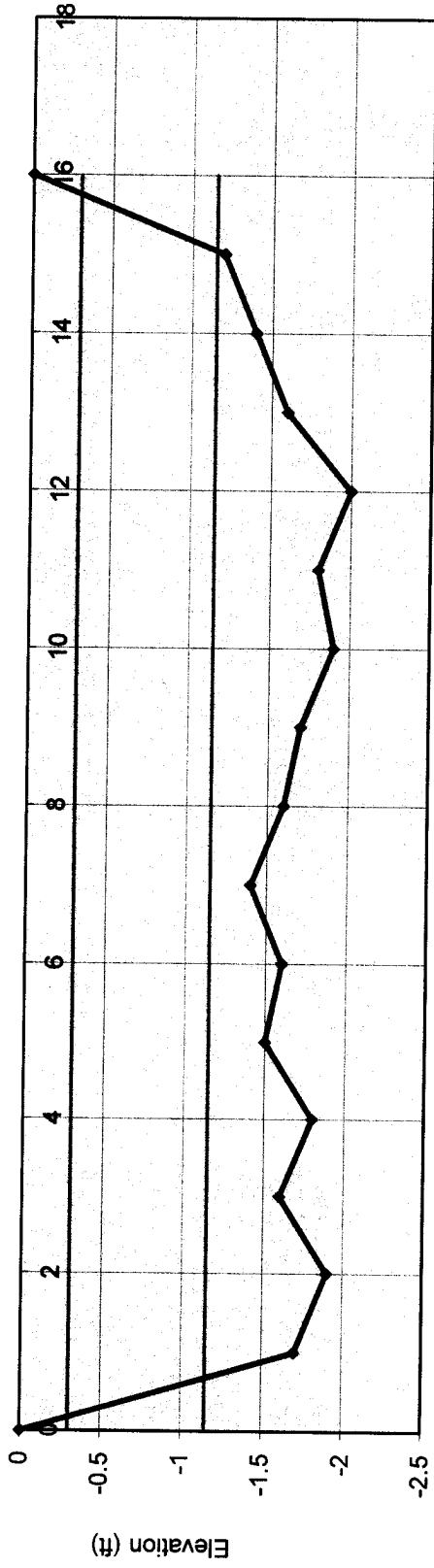
No cultural or historic properties are anticipated to be impacted by the proposed project. The following correspondence regarding Section 106 clearance is presented as **Appendix B**:

KDMP letter (11-18-10)

Nally & Hamilton Enterprises, Inc.
KDNR #848-7033 AM-1 / LRN 2010-00092
NWP14 Pre-Construction Notification

Appendix A: Cross Section Drawings

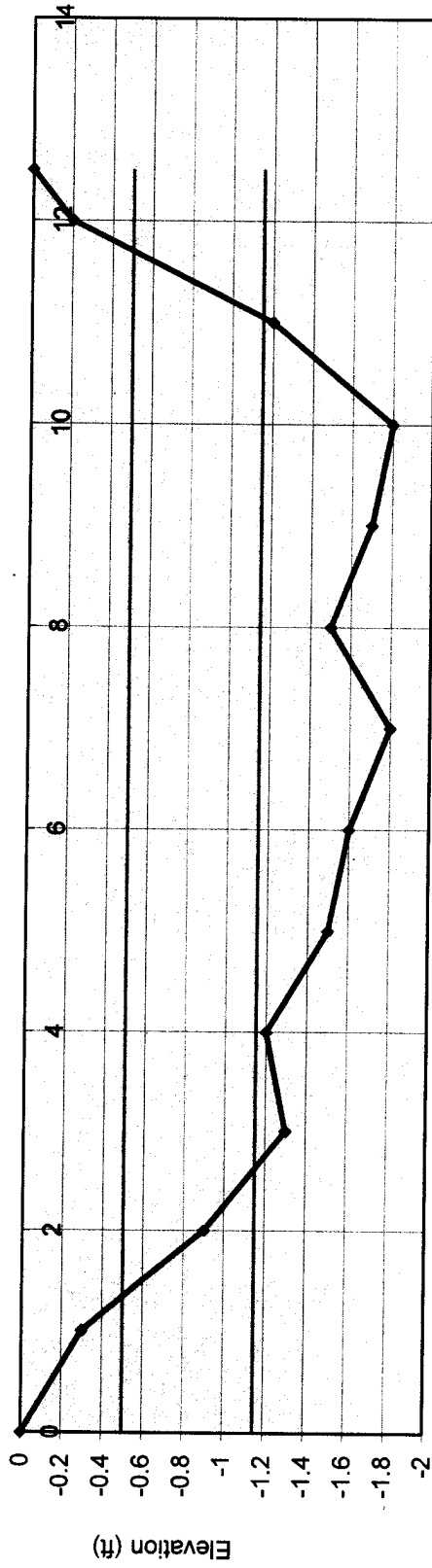
SC-1 Riffle Cross Section



Width (ft)

BIOLOGICAL SYSTEMS CONSULTANTS, Inc.
 DRAWING NAME : SC-1 Cross Section
 DATE: 1/15/2013
 DRAWN BY: SL
 CHECKED BY: BS
 CLIENT: Nally & Hamilton Enterprises, Inc.
 KDNR # 848-7033A1 FILE # LRN-2010-00092
 PROJECT # 21025

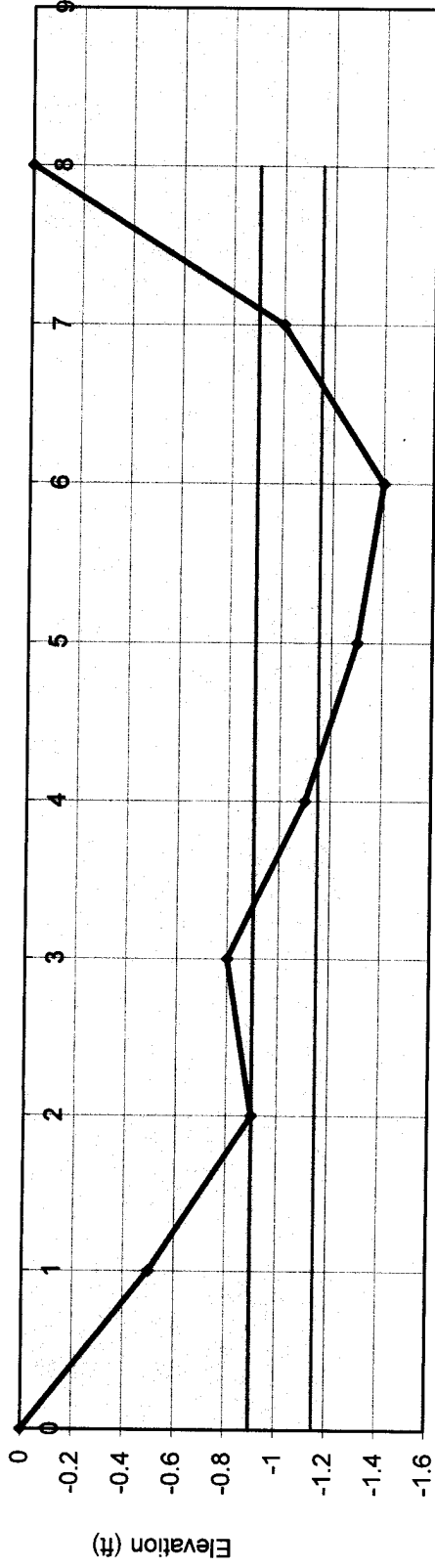
SC-2 Riffle Cross Section



Width (ft)

BIOLOGICAL SYSTEMS CONSULTANTS, Inc.
 DRAWING NAME : SC-2 Cross Section
 DATE: 1/15/2013
 DRAWN BY: SL
 CHECKED BY: BS
 CLIENT: Nally & Hamilton Enterprises, Inc.
 KDNr #848-7033A1 FILE # LRN-2010-00092
 PROJECT # 21025

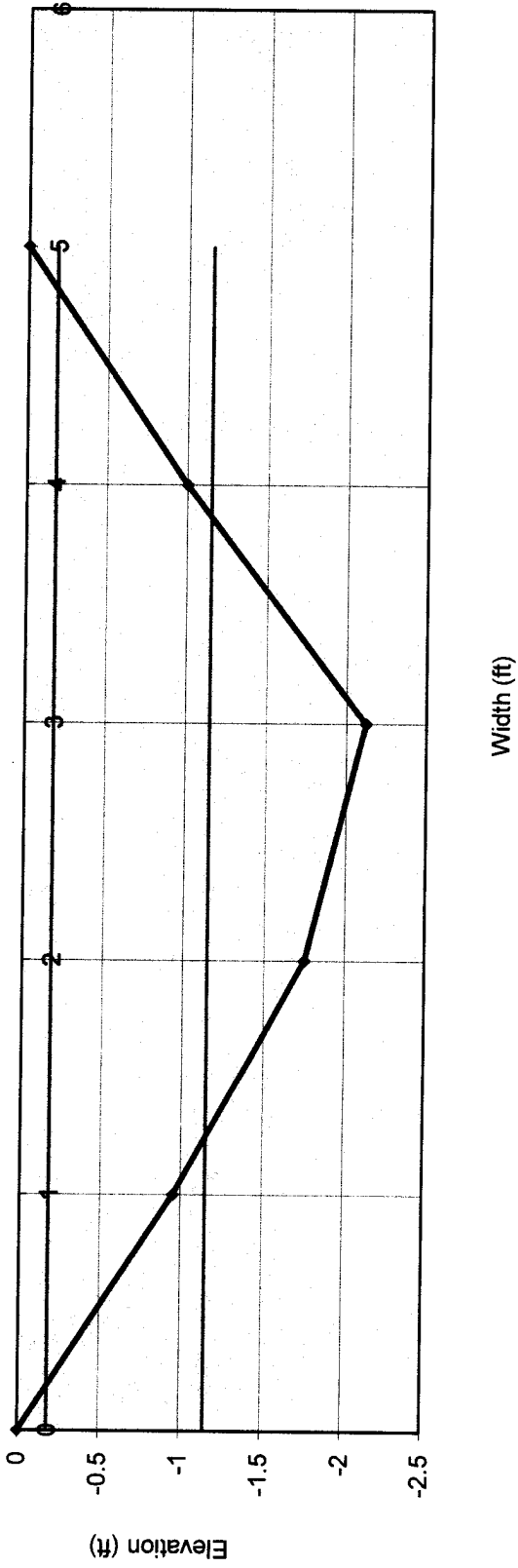
SC-5 Riffle Cross Section



Width (ft)

BIOLOGICAL SYSTEMS CONSULTANTS, Inc.
 DRAWING NAME : SC-5 Cross Section
 DATE: 1/15/2013
 DRAWN BY: SL
 CLIENT: Nally & Hamilton Enterprises, Inc.
 KDNR # 848-7033A1 FILE # LRN-2010-00092
 PROJECT # 21025

SC-8 Riffle Cross Section



BIOLOGICAL SYSTEMS CONSULTANTS, Inc.
DRAWING NAME :
DATE: 1/15/2013
DRAWN BY: SL
CLIENT: Nally & Hamilton Enterprises, Inc.
KDNR #848-7033A1 FILE # LRN-2010-00092
PROJECT # 21025

Nally & Hamilton Enterprises, Inc.
KDNR #848-7033 AM-1 / LRN 2010-00092
NWP14 Pre-Construction Notification

Appendix B: Agency Correspondence



STEVEN L BESHEAR
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

LEONARD K PETERS
SECRETARY

DIVISION OF WATER
200 FAIR OAKS LANE
FRANKFORT, KENTUCKY 40601
www.kentucky.gov
September 11, 2012

Stephen Hamilton, Secretary
Nally & Hamilton Enterprises, Inc.
P.O. Box 157
Bardstown, Kentucky 40004

Re: Coal General Permit Coverage
AI No.: 101089
KPDES No.: KYG046779
DNR No.: 848-7033 NW through AM-01
Bell / Harlan County, Kentucky

Dear Permittee:

Effective on the Approval Date in Table 1 the Kentucky Division of Water (DOW) has determined to grant and/or extend coverage under the "General Permit for Coal Mining Activities in the Commonwealth of Kentucky" (KYG040000) for the following DNR actions:

TABLE 1			
DNR Permit No.	Action No.	Description of Action	Approval Date
848-7033	NW	+75.70 surface acres, haul road only	09/11/2012
848-7033	AM-01	+44.40 surface acres, haul road only	09/11/2012

Discharges of wastewaters from sediment control structures associated with these actions are subject to the requirements and conditions of KYG040000 until either expiration of the KYG040000, final bond release or termination of coverage. A copy of KYG040000 and its accompanying Fact Sheet are available for downloading at the following DOW web address:

<http://water.ky.gov/permitting/General%20Permit%20Fact%20Sheets/SFinalKYG040000.pdf>

The following additional conditions apply to the referenced permitted activity:

- ☐ Only those outfalls (ponds) listed in Table 2 of this letter are authorized to discharge. Please contact the Division of Water within thirty (30) days regarding any omissions or errors to Table 2.
- ☒ Discharges of runoff from a coal haul road shall be managed using Best Management Practices (BMP). The permittee shall select, install, operate and maintain those BMPs that are necessary to minimize the discharge of pollutants from haul roads.

Coverage Letter

KPDES No.: KYG046779

DNR No.: 848-7033

Page 2

- ☐ Discharges of runoff from the repair of slides associated with DNR enforcement actions shall be addressed in a specific section of the BMP plan for that mine.
- ☒ The permittee shall install, operate, and maintain wastewater treatment facilities consistent with those identified in the permittee's Socioeconomic Demonstration and Alternatives Analysis (SDAA) form as accepted by the Division of Water as a part of this KPDES general permit coverage.

Failure to comply with these conditions shall result in the termination of this general permit coverage. A copy of this coverage letter and the associated Best Management Practices plan shall be kept on-site.

Should you have any questions regarding this matter, please contact me at 502-564-8158 extension 4854, or by e-mail at Nick.Lester@ky.gov.

Sincerely,



Nicholas Lester, Permit Writer
Resource Extraction Section
Surface Water Permits Branch
Division of Water

Cc: Trish Boles
Logos Engineering
Division of Mine Reclamation and Enforcement
TEMPO



**ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR NATURAL RESOURCES**

Steven L. Beshear
Governor

Division of Mine Permits
2 Hudson Hollow
Frankfort, Kentucky 40601
Phone (502) 564-2320
Fax (502) 564-6764
www.minepermits.ky.gov

Leonard K. Peters
Secretary

Carl E. Campbell
Commissioner

November 18, 2010

DON ROBERTS
LOGOS ENGINEERING
PO BOX 350
MANCHESTER KY 40962

RE: Nally & Hamilton Enterprises Inc
Application # 848-7033 AM-1

Dear Mr. Roberts:

After completing our environmental review of the above referenced application concerning lands unsuitable for mining, areas designated as unsuitable for mining, endangered species, other fish and wildlife resources, and cultural resources, the Critical Resources Review Section has determined that site specific studies or surveys **will not be required** for administrative review because the 44.4 acres of road added by this revision will not impact any biological or cultural resources. The CRRS review found no impacts to aquatic resources, federally listed species, or known archaeological sites. The proposed road is mostly existing and has been previously surveyed for federally listed species and archaeological sites.

This letter must be placed in the permit application as attachments to items 11.1, 12.2, 13.1, 14.1, 14.4 and 21.11, to verify that Critical Resources Review has been done. Please be advised that any modifications to the proposed mine plan will require reevaluation of this determination.

If you have any questions, please contact biologist, Thomas Barbour, Critical Resources Review Section, at (502) 564-2320.

Sincerely,

Ms. Perry Johnson, Supervisor
Critical Resources Review Section
Division of Mine Permits

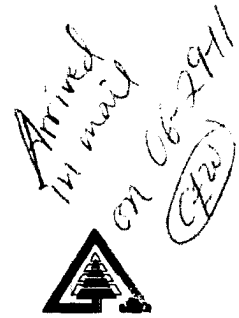
c: Thomas Barbour (e)
Mike Hardin, KDFWR
Lee Andrews, USFWS
Permit File Janice Zimmer (e)



Kentucky Energy and Environment Cabinet

Department for Natural Resources

Division of Mine Permits



TAC NOTICE

June 27, 2011

MR. STEPHEN HAMILTON
NALLY & HAMILTON ENTERPRISES INC
PO BOX 157
BARDSTOWN KY 40004

Application No: 848-7033
Type: Amendment 01
NALLY & HAMILTON ENTERPRISES INC

Dear Mr. STEPHEN HAMILTON:

The Division of Mine Permits has completed review of the entire application and

**YOUR APPLICATION HAS BEEN DETERMINED
TECHNICALLY ACCEPTABLE**

This document is to inform you of the following items which must be received and verified by the Division prior to the final processing of your permit.

1. Affidavit from applicant that O & C information has not changed since original submission of application.
2. Original Certificate of Liability Insurance.
3. Signed original(s) of the approved overlap statement(s) for: Cloverfork Mining & Excavating, Inc 848-0170, Cloverfork Mining & Excavating, Inc 848-0177, Nally & Hamilton Enterprises, Inc 848-0292, Nally & Hamilton Enterprises, Inc 807-0355.

ATTACHED TO THIS LETTER is a summary of the bonding and acre fee requirements for all surface disturbances affected by this permitting action.

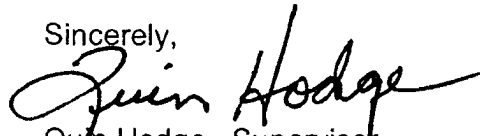
Please note that the issuance of this permitting action requires bond and acreage fees that must be received as indicated per the attached bonding summary. DNR may not grant final issuance of this permit action until the required bonds and acreage fees are received.

Please also be advised that it is the applicant's responsibility to obtain all other state and federal clearances and/or permits in order to legally conduct coal mining operations.

When all of the information has been received by the Division of Mine Permits and the final ownership and control review has established that the applicant is fully eligible to conduct surface coal mining operations in Kentucky, a permit may be issued.

If you have any questions regarding this matter, please contact me at (502) 564-2320.

Sincerely,

A handwritten signature in black ink that reads "Quin Hodge". The signature is fluid and cursive, with the first name "Quin" and last name "Hodge" clearly distinguishable.

Quin Hodge, Supervisor
Division of Mine Permits

c: Middlesboro Regional Office
Quin Hodge (E)
Martie Riddle (E)

MR. DON R ROBERTS
LOGOS ENGINEERING
PO BOX 350
MANCHESTER KY 40962